IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.462 OF 2006

IN
SUIT NO.24 OF 2006

Mona Vijay Desai & Ors. ...Plaintiffs

V/s.

Kuhni Krishanan Nambiar & Ors. ...Defendants

Ms.Lata Desai, Advocate, i/b. Pallavi Divekar, for the Plaintiffs.

Mr.K.B. Nambiar, Advocate, for Defendant Nos.1 to 3.

CORAM : S.J. VAZIFDAR, J.
DATED : 10TH OCTOBER, 2006.

P.C. :

1. At this stage it is true that on record it appears as if the Plaintiff has been paid the entire consideration under the said agreement. However on the very next day after Rs.20 lacs were transferred to the Plaintiff's account, the same Rs.20 lacs were re-transferred to the Defendant's account.

2. It is difficult to express any definite view on the merits of the rival contentions. It is however necessary that the rights of both the parties are protected pending the hearing and final disposal of

the suit. In the Defendant's suit for specific performance, the Defendant has been protected by an order dated 15th September, 2003. The Defendants are however restrained from disposing of, alienating, encumbering or parting with possession of the said flat or creating any third party right, title or interest in respect thereof pending the hearing and final disposal of the suit.

3. All the parties including the Plaintiffs shall maintain the status-quo in respect of the shares certificates pending the hearing and final disposal of the Notice of Motion.

4. The Notice of Motion is accordingly disposed of.